

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Petitioner,)	
)	
)	Case No. CV-
)	
vs.)	SECOND SCHEDULING ORDER
)	IN A POST-EXHAUSTION BUT
)	NON-SUCCESSIVE DEATH
)	PENALTY ACTION PURSUANT
Respondents.)	TO 28 U.S.C. § 2254

The clerk shall issue this Second Scheduling Order pursuant to the court's instructions at the conclusion of the First Status Conference.

IT IS THEREFORE ORDERED:

1. Response to Petition: Respondents shall have until (usually 60 days) in which to file an answer (points and authorities addressing the merits of the grounds asserted in the petition) or otherwise respond to the petition.

2. Traverse: When an Answer is filed, petitioner shall file a traverse (points and authorities addressing the merits of the grounds asserted in the petition and in response to the answer) within **forty-five (45) days** and respondents shall thereafter file a reply or waiver thereof within **thirty (30) days**.

3. Opposition to Motion to Dismiss: When a motion to dismiss is filed instead of an answer, petitioner shall file an opposition thereto within **thirty (30) days**, and respondents shall thereafter file a reply or waiver thereof within **fifteen (15) days**.

4. Evidentiary Hearing: Petitioner shall file a motion for an evidentiary hearing, if desired, separate from but concurrently with the opposition to the motion to dismiss or traverse. The motion must specifically address why an evidentiary hearing is required and meet the requirements of 28 U.S.C. §2254(e). The motion shall identify whether an evidentiary hearing was held in the state court and where the transcript is located within the exhibits attached to the Answer, if it is so included. If a motion for an evidentiary hearing is filed, respondents shall file a response concurrently with but separate from their reply or waiver to the Traverse. The court will then determine whether to conduct an evidentiary hearing.

5. Oral Argument: The court will determine when oral arguments will be held.

DATED this _____ day of _____, 200__.

United States District Judge